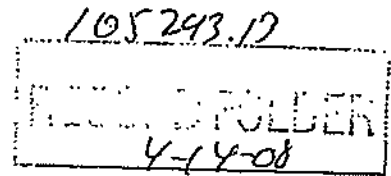


JUDGE HOWELL

Manitella (MA-2228)
Loren Bekker (KB-9077)
Satterlee Stephens Burke & Burke LLP
230 Park Avenue
New York, NY 10069
(212) 818-9200
Attorneys for Plaintiff Getty Images, Inc.



08 CV 3563

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GETTY IMAGES (US), INC.,

Plaintiff,

-against-

ICG AMERICA INC., doing business as
AMAZING CLUBS,

Defendants.

08 Civ

APR 14 2008
U.S.D.C. S.D. N.Y.
CLERK'S OFFICE
COMPLAINT FOR
DAMAGES AND
INJUNCTIVE RELIEF

Plaintiff, Getty Images (US), Inc., by its undersigned attorneys Satterlee Stephens Burke & Burke LLP, for its Complaint against ICG America, Inc., doing business as Amazing Clubs, alleges, upon information and belief, as follows:

PARTIES

1. Getty Images (US), Inc. ("Getty Images") is a New York corporation with its principal place of business at 601 North 34th Street, Seattle, Washington.
2. Defendant ICG America Inc., doing business as Amazing Clubs ("Amazing Clubs") is an online retailer with offices located in Connecticut. Upon information and belief, at all times relevant to the allegations in this complaint, Defendant sold its product in New York State and Defendant may be found in New York State.

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338 (copyright) in that this case involves claims brought under federal copyright law, 17 U.S.C. § 101 et seq.

4. Personal jurisdiction and venue are proper in this District pursuant to 28 U.S.C. §1400(b) because Defendant may be found in this District.

BACKGROUND

5. Plaintiff Getty Images is one of the world's leading content providers, supplying high quality, relevant imagery and related services to advertising agencies, graphic design firms, and film and broadcasting companies, to editorial customers involved in newspaper, magazine, book, CD-ROM and online publishing, and to corporate marketing departments and other business customers. Getty Images generates revenue from licensing the rights to use its imagery and from providing related services. Revenue is principally derived from a large number of relatively small transactions involving licensing rights to use single still images, film clips or CDs containing multiple images.

6. Most of the images in Getty Images's creative collections are obtained from independent photographers and filmmakers on an exclusive basis. Professional photographers and filmmakers prefer to retain ownership of their work. As a result, copyright to an image remains with the contributing photographer or filmmaker in most cases.

7. Getty Images was the first company to license imagery via the Internet and today delivers virtually all of its visual content digitally. Getty Images's web site, gettyimages.com, serves an average of 3.2 million thumbnails, 6.5 million visits and 3.5 million unique users in addition to an average of 167 million page views each month. Visitors to Getty

Images's web site can search through and view hundreds of thousands of images and obtain licenses for those images online.

8. Upon information and belief, Amazing Clubs owns and operates a web site at <http://www.amazingclubs.com>. Through its website, Amazing Clubs markets and sells memberships to various monthly food and beverage "clubs" which deliver gourmet food and beverages, such as cookies (the Cookie Club), coffee (the Coffee Club), or wine (the Wine Club), to members on a monthly basis. Amazing Clubs directs its marketing efforts towards individuals residing in New York and in this district and those individuals may purchase club "memberships" directly through the website at <http://www.amazingclubs.com>.

9. On November 15, 2006, Plaintiff discovered that Defendant had obtained copies of thirty-one images exclusively licensed to Getty Images and incorporated those images into the web site <http://www.amazingclubs.com>. This use was continuous and ongoing until approximately February of 2007. The date on which Defendant began using these images is unknown. Defendant's use of the thirty-one images was unauthorized and violated the rights of Getty Images and of the authors of those images.

10. One of the images copied by Defendant and incorporated into the <http://www.amazingclubs.com> web site was an image identified as Image No. AR1337-001, entitled "Chocolate Truffles, Close-Up" from the Stone Collection.

11. Image No. AR1337-001 was registered with United States Copyright Office on December 6, 2007, Registration Number VA-1-623-582.

12. One of the images copied by Defendant and incorporated into the <http://www.amazingclubs.com> web site was an image identified as Image No. 6410-001236, entitled "Chocolate Chip Cookies" from the Photonica Collection.

13. Image No. 6410-001236 was registered with United States Copyright Office on December 11, 2007, Registration Number VA-1-623-827.

14. One of the images copied by Defendant and incorporated into the <http://www.amazingclubs.com> web site was an image identified as Image No. 200138097-001, entitled "Couple in Unfurnished House, Morning" from the Photographer's Choice Collection.

15. Image No. 200138097-001 was registered with United States Copyright Office on December 6, 2007, Registration Number VA-1-623-585.

16. One of the images copied by Defendant and incorporated into the <http://www.amazingclubs.com> web site was an image identified as Image No. AB68203, entitled "Cup of Coffee and Coffee Beans" from the Taxi Collection.

17. Image No. AB68203 was registered with United States Copyright Office on December 7, 2007, Registration Number VA-1-623-736.

18. One of the images copied by Defendant and incorporated into the <http://www.amazingclubs.com> web site was an image identified as Image No. 200184229-001, entitled "Espresso Machine" from the Stone Collection.

19. Image No. 200184229-001 was registered with United States Copyright Office on December 7, 2007, Registration Number VA-1-623-727.

20. One of the images copied by Defendant and incorporated into the <http://www.amazingclubs.com> web site was an image identified as Image No. 10153881 entitled "Valentine Roses" from the Image Bank Collection.

21. Image No. 10153881 was created as a work for hire by a foreign company, and was first published outside of the United States.

22. One of the images copied by Defendant and incorporated into the <http://www.amazingclubs.com> web site was an image identified as Image No. 816420-001, entitled "Selection of Fruits Arranged in a Bowl, Still Life, Overhead View" from the Stone Collection.

23. Image No. 816420-001 was created by a foreign national, and was first published outside of the United States.

24. Copies of the Certificates of Registration for Image Nos. AR1337-001, 6410-001236, 200138097-001, AB68203, and 200184229-001 and are attached hereto as Exhibit A.

25. Defendant also copied into the Amazing Clubs web site twenty-four other images exclusively licensed to Getty Images without authorization or license.

26. Attached hereto as Exhibit B are screen shots of the Amazing Clubs web site found at <http://www.amazingclubs.com> showing web pages that incorporate unauthorized copies of images exclusively licensed to Getty Images.

27. The Defendant's unauthorized use of copyright protected images has caused Getty Images to suffer damages.

FIRST CAUSE OF ACTION -- COPYRIGHT INFRINGEMENT

28. Plaintiff Getty Images incorporates paragraphs 1 through 27 above, as though fully set forth herein.

29. Getty Images is the exclusive licensee of the images that are the subject of this action. Those images have validly registered copyrights, as evidenced by the copyright registration certificates contained in Exhibit A.

30. Defendant reproduced, distributed and displayed those images without Getty Images's authorization.

31. The actions and conduct by Defendant as described above infringe upon Getty Images's exclusive rights granted under 17 U.S.C. § 106 to display, reproduce and distribute the registered copyrighted works to the public.

32. Defendant's actions and conduct constitute copyright infringement under the Copyright Act of 1976, 17 U.S.C. § 501.

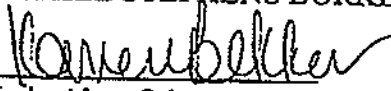
33. As a result of the copyright infringement described above, Plaintiff Getty Images is entitled to relief including, but not limited to, injunctive relief, damages, and pre-judgment interest.

WHEREFORE, Plaintiff Getty Images prays for the following relief:

- A. For an award pursuant to 17 U.S.C. § 504(b) of Defendant's profits and for actual damages in such amount as may be found; for an order permanently enjoining Defendant from infringing Plaintiff's copyrighted images pursuant to 17 U.S.C. § 502; and for an award of costs;
- B. For prejudgment interest on the amount of the award to Plaintiff; and
- C. And for such other and further relief as the Court deems just and proper.

Dated: New York, New York
April 14, 2008

SATTERLEE STEPHENS BURKE & BURKE LLP

By: 

Mario Aieta (MA-2228)

Karen Bekker (KB-9077)

230 Park Avenue

New York, New York 10069

tel: (212) 818-9200

Attorneys for Plaintiff Getty Images (US), Inc.

Exhibit A

[Help](#)[Search](#)[History](#)[Titles](#)[Start Over](#)

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = VA0001623582

Search Results: Displaying 1 of 1 entries



Chocolate truffles, close-up. Getty Images number AR1337-001.

Type of Work: Visual Material

Registration Number / Date: VA0001623582 / 2007-12-06

Application Title: Chocolate truffles, close-up. Getty Images number AR1337-001.

Title: Chocolate truffles, close-up. Getty Images number AR1337-001.

Description: Electronic file (eService)

Copyright Claimant: C. Bruce Foster, 1943- . Address: 1306 NW Hoyt Street, #302, Portland, OR, 97209, United States

Date of Creation: 1995

Date of Publication: January 01, 1995

Nation of First Publication: United States

Authorship on Application: C. Bruce Foster, 1943- ; Domicile: United States; Citizenship: United States.
Authorship: photograph(s)

Names: Foster, C. Bruce, 1943-



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Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = VA0001623827

Search Results: Displaying 1 of 1 entries



Chocolate chip cookies. Getty Images number 6410-001236.

Type of Work: Visual Material

Registration Number / Date: VA0001623827 / 2007-12-11

Application Title: Chocolate chip cookies. Getty Images number 6410-001236.

Title: Chocolate chip cookies. Getty Images number 6410-001236.

Description: Electronic file (eService)

Copyright Claimant: Charles William Gullung III, 1964- . Address: 5216 NE Cleveland Ave., Portland, OR, 97211, United States

Date of Creation: 2004

Date of Publication: October 03, 2004

Nation of First Publication: United States

Authorship on Application: Charles William Gullung III, 1964- ; Domicile: United States; Citizenship: United States. Authorship: photograph(s)

Names: Gullung III, Charles William, 1964-



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Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = VA0001623585

Search Results: Displaying 1 of 1 entries



Couple in unfurnished house, morning. Getty Images number 200138097-001.

Type of Work: Visual Material

Registration Number / Date: VA0001623585 / 2007-12-06

Application Title: Couple in unfurnished house, morning. Getty Images number 200138097-001.

Title: Couple in unfurnished house, morning. Getty Images number 200138097-001.

Description: Electronic file (eService)

Copyright Claimant: Ghislain David de Lossy, 1953- . Address: Avenue des Aubepines 38, Brussels, 1180, Belgium

Marie David de Lossy, 1956- . Address: Avenue des Aubepines 38, Brussels, 1180, Belgium

Date of Creation: 2000

Date of Publication: July 02, 2004

Nation of First Publication: United States

Authorship on Application: Ghislain David de Lossy, 1953- ; Domicile: Belgium; Citizenship: Belgium.

Authorship: photograph(s)

Marie David de Lossy, 1956- ; Domicile: Belgium; Citizenship: Belgium. Authorship: photograph(s)

Names: David de Lossy, Ghislain, 1953-

David de Lossy, Marie, 1956-



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Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = VA0001623736

Search Results: Displaying 1 of 1 entries



Cup of coffee and coffee beans. Getty Images number AB68203.

Type of Work: Visual Material

Registration Number / Date: VA0001623736 / 2007-12-07

Application Title: Cup of coffee and coffee beans. Getty Images number AB68203.

Title: Cup of coffee and coffee beans. Getty Images number AB68203.

Description: Electronic file (eService)

Copyright Claimant: Ken Reid, 1956- . Address: 684 E Pelham Rd. NE, Atlanta, GA, 30324, United States

Date of Creation: 1994

Date of Publication: December 15, 1995

Nation of First Publication: United States

Authorship on Application: Ken Reid, 1956- ; Domicile: United States; Citizenship: United States. Authorship: photograph(s)

Names: Reid, Ken, 1956-



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Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = VA0001623727

Search Results: Displaying 1 of 1 entries



Espresso machine. Getty Images number 200184229-001.

Type of Work: Visual Material

Registration Number / Date: VA0001623727 / 2007-12-07

Application Title: Espresso machine. Getty Images number 200184229-001.

Title: Espresso machine. Getty Images number 200184229-001.

Description: Electronic file (eService)

Copyright Claimant: Luca Trovato, 1961- . Address: 1421 Mountain Avenue, Santa Barbara, CA, 93101, United States

Date of Creation: 2005


Date of Publication: May 11, 2005

Nation of First Publication: United States

Authorship on Application: Luca Trovato, 1961- ; Domicile: United States; Citizenship: Italy. Authorship: photograph(s)

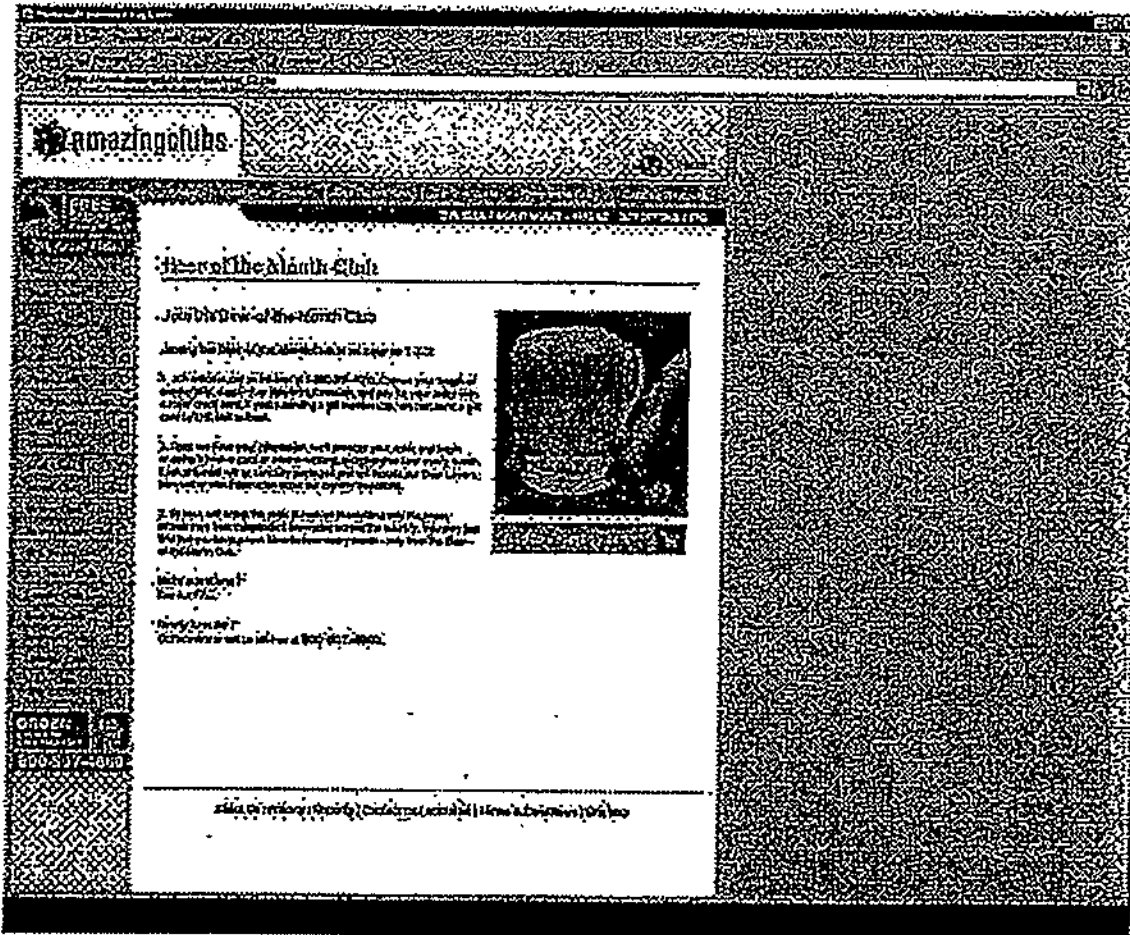
Names: Trovato, Luca, 1961-



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[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

Exhibit B



Best of the Month Club

Members of the Best of the Month Club are selected by the club members for their outstanding contributions to the club. The club members are selected by the club members for their outstanding contributions to the club. The club members are selected by the club members for their outstanding contributions to the club.

The monthly award is given to the member who has made the most significant contribution to the club. The club members are selected by the club members for their outstanding contributions to the club. The club members are selected by the club members for their outstanding contributions to the club.

The Best of the Month Club is the best of the best. The club members are selected by the club members for their outstanding contributions to the club. The club members are selected by the club members for their outstanding contributions to the club.

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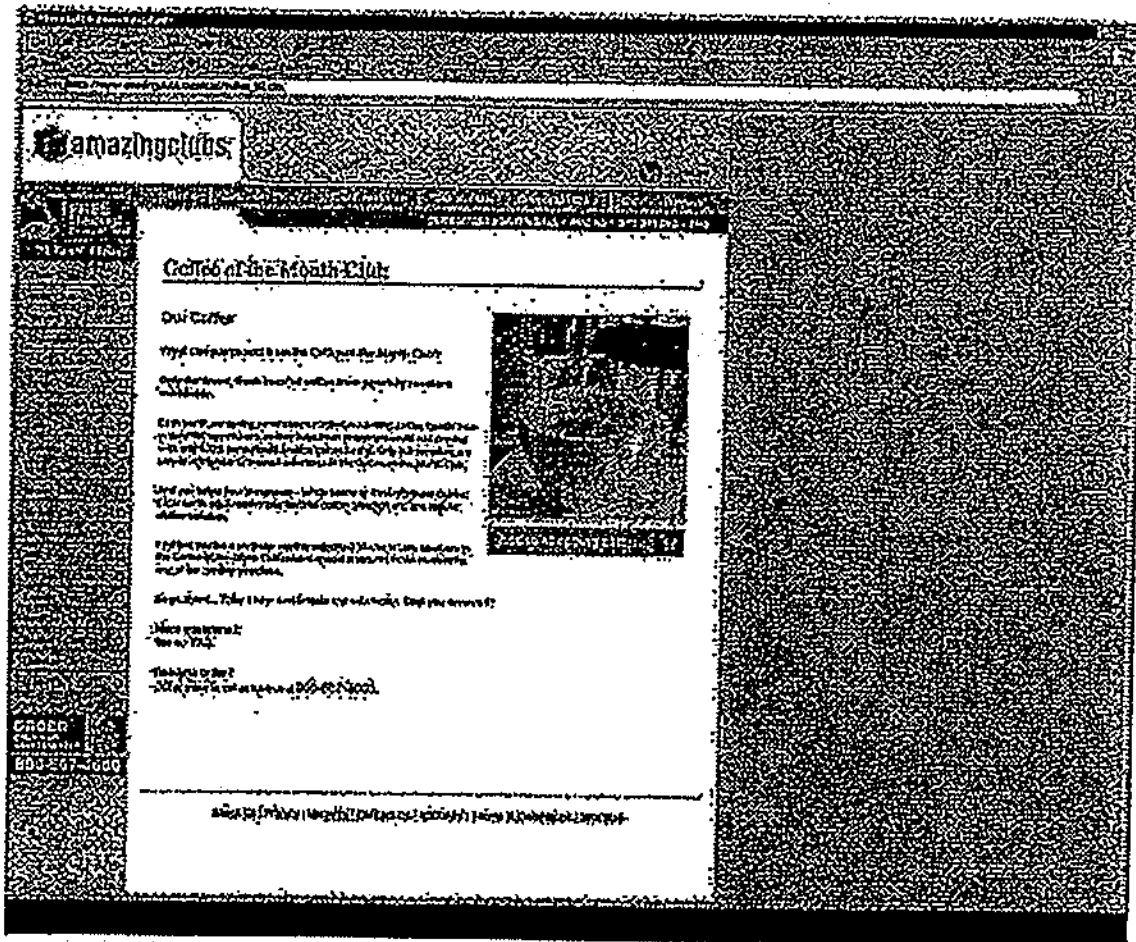
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Best of the Month Club

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The Best of the Month Club is the best of the best. The club members are selected by the club members for their outstanding contributions to the club. The club members are selected by the club members for their outstanding contributions to the club.



Chocolate of the Month Club

Introducing the new Chocolate of the Month Club. This month's selection is a delicious assortment of handmade chocolates, including Dark Chocolate Raspberry Truffle, White Chocolate Raspberry Truffle, and Dark Chocolate Raspberry Truffle. Each box contains 12 individually wrapped chocolates, perfect for sharing or indulging in.

The new Chocolate of the Month Club is now available for purchase. Visit [ChocolateOfTheMonthClub.com](#) to learn more and place your order today.

More AmazingJobs.com

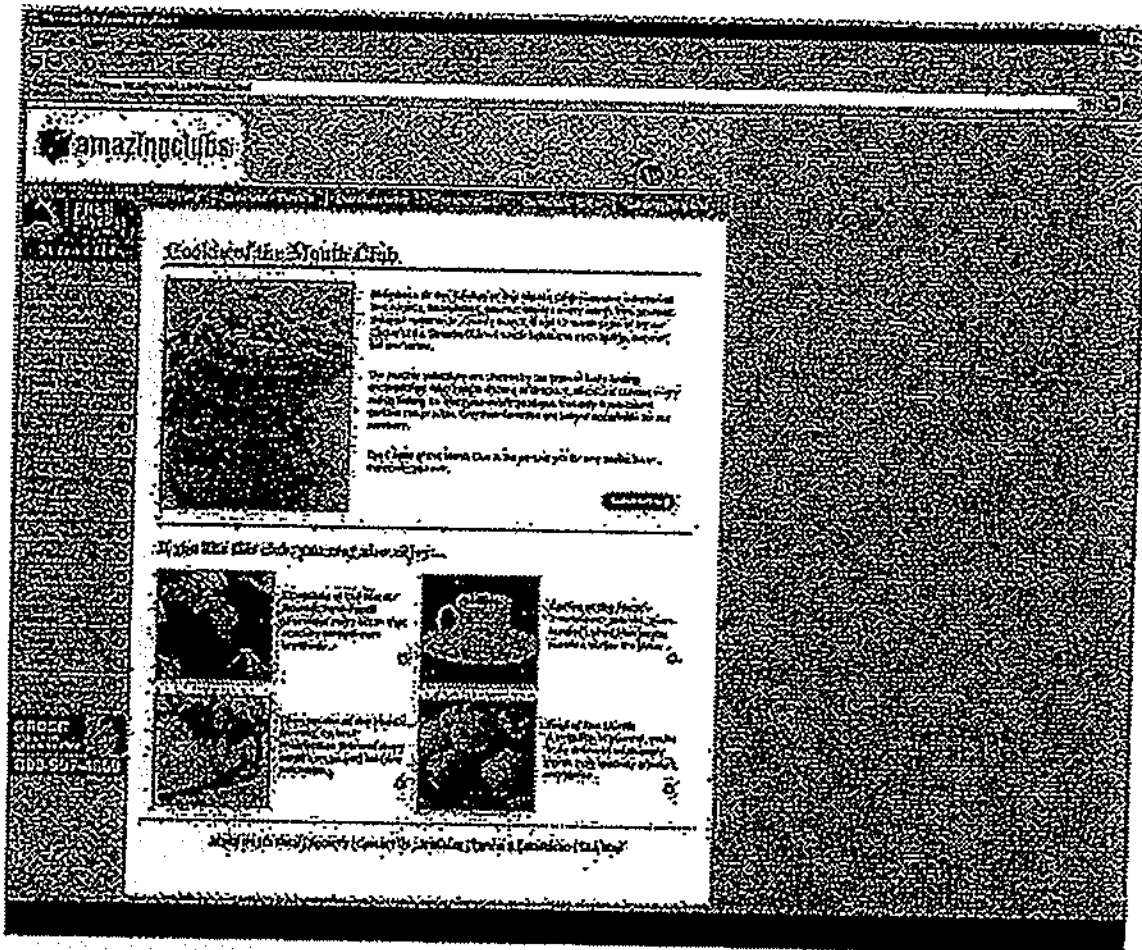
AmazingJobs.com is the leading source for finding the best jobs in the industry. With over 100,000 job listings, we have the perfect opportunity for you.

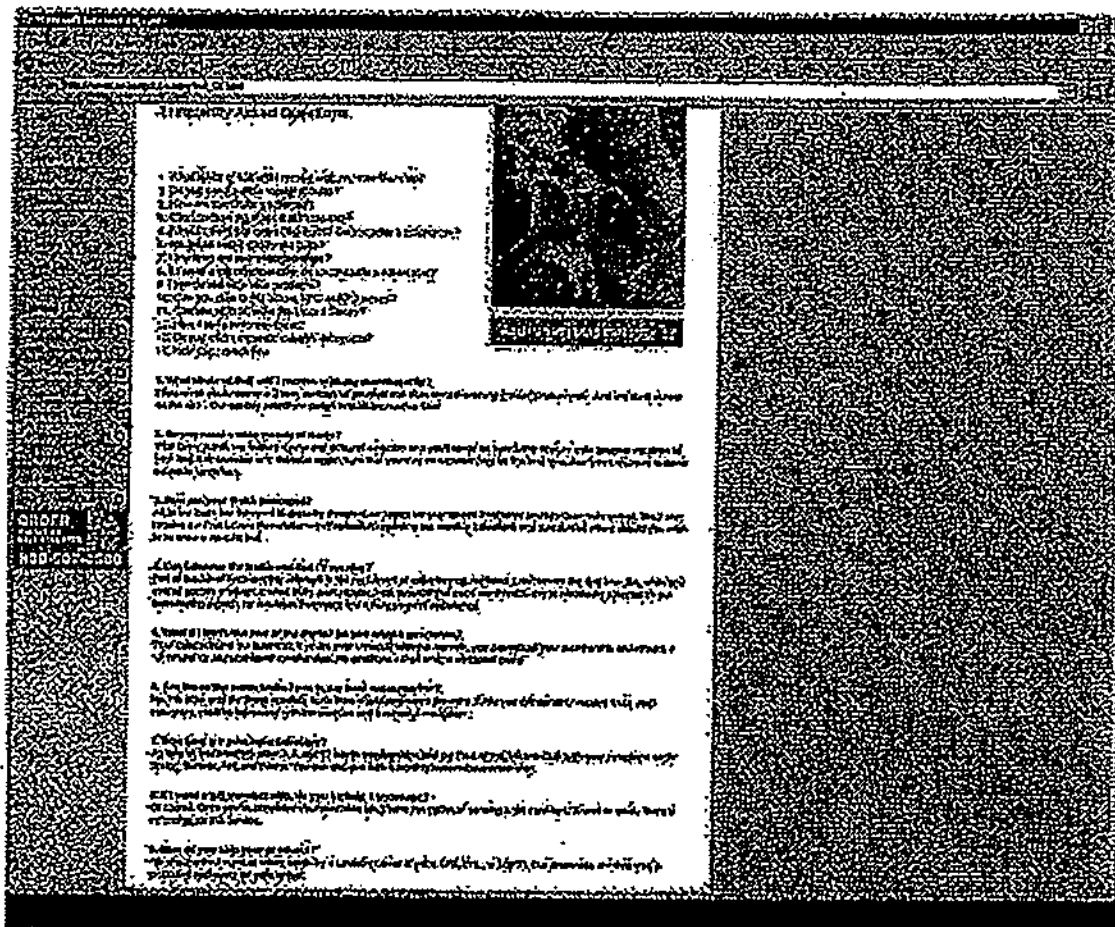
AmazingJobs.com is the leading source for finding the best jobs in the industry. With over 100,000 job listings, we have the perfect opportunity for you.

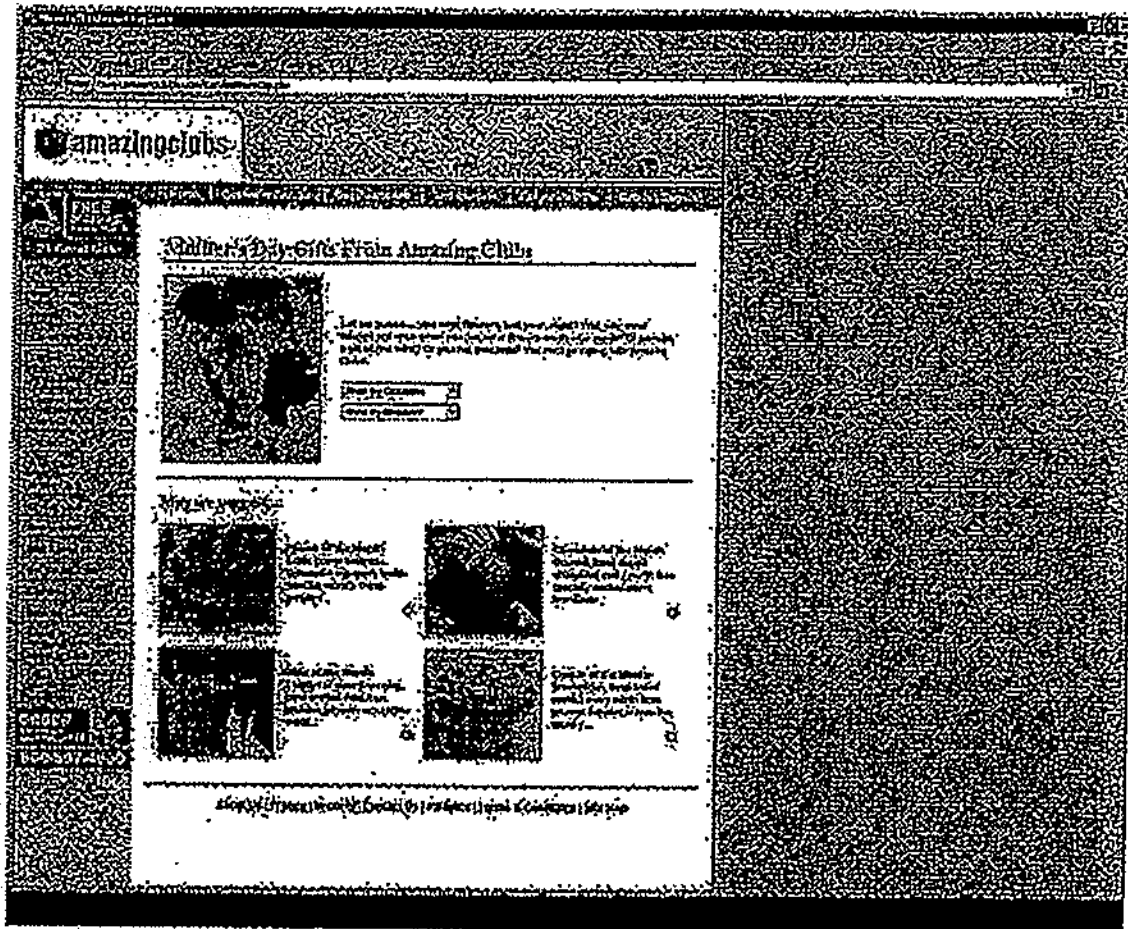
AmazingJobs.com is the leading source for finding the best jobs in the industry. With over 100,000 job listings, we have the perfect opportunity for you.

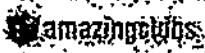
AmazingJobs.com is the leading source for finding the best jobs in the industry. With over 100,000 job listings, we have the perfect opportunity for you.

AmazingJobs.com is the leading source for finding the best jobs in the industry. With over 100,000 job listings, we have the perfect opportunity for you.










Collection of the Month Club




Members of the Collection of the Month Club enjoy a special surprise every month. This month's surprise is a collection of the month club. Each month we have a different surprise for you. This month's surprise is a collection of the month club.


Our monthly selection is a surprise for all our members. It's a surprise that we have a different surprise for you every month. This month's surprise is a collection of the month club.

The Collection of the Month Club is the perfect gift for you and your family.


It's the little things that make a difference.




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This is a small image of a product. It's a small image of a product.

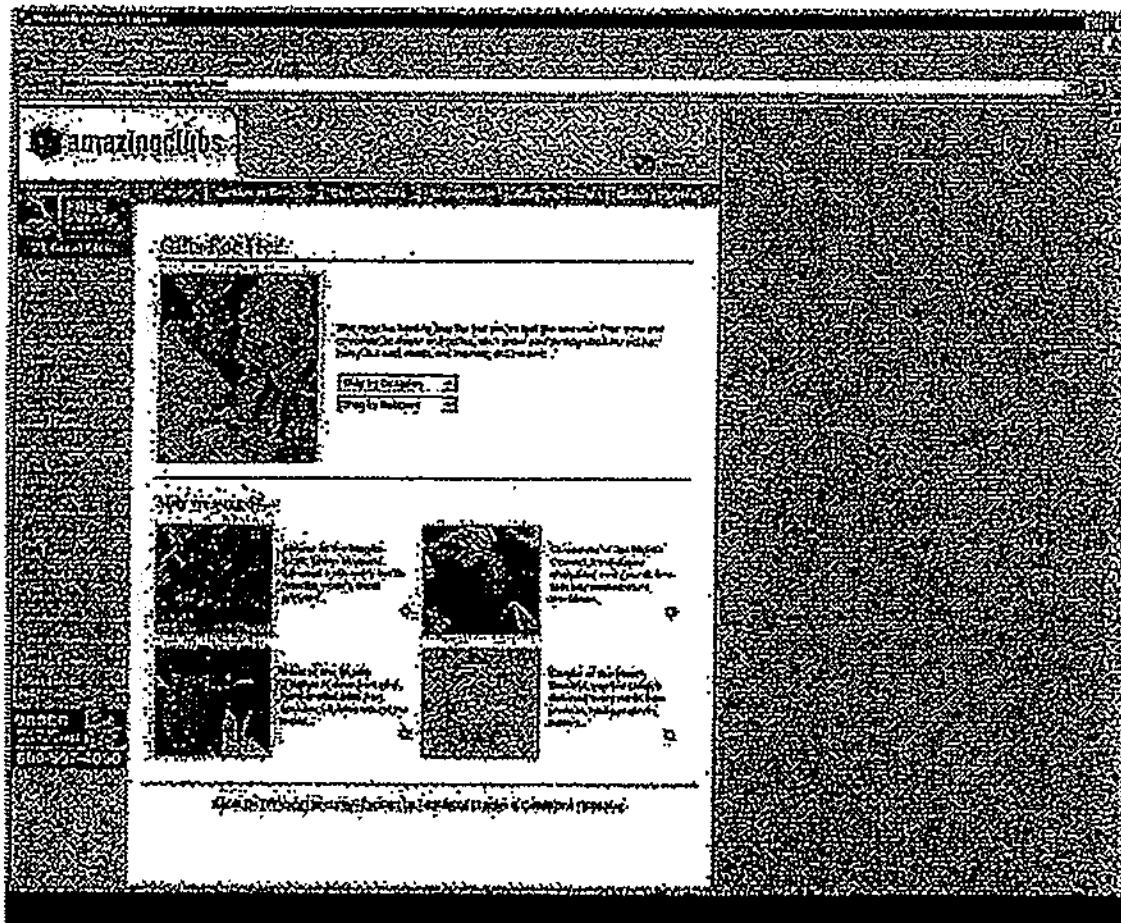


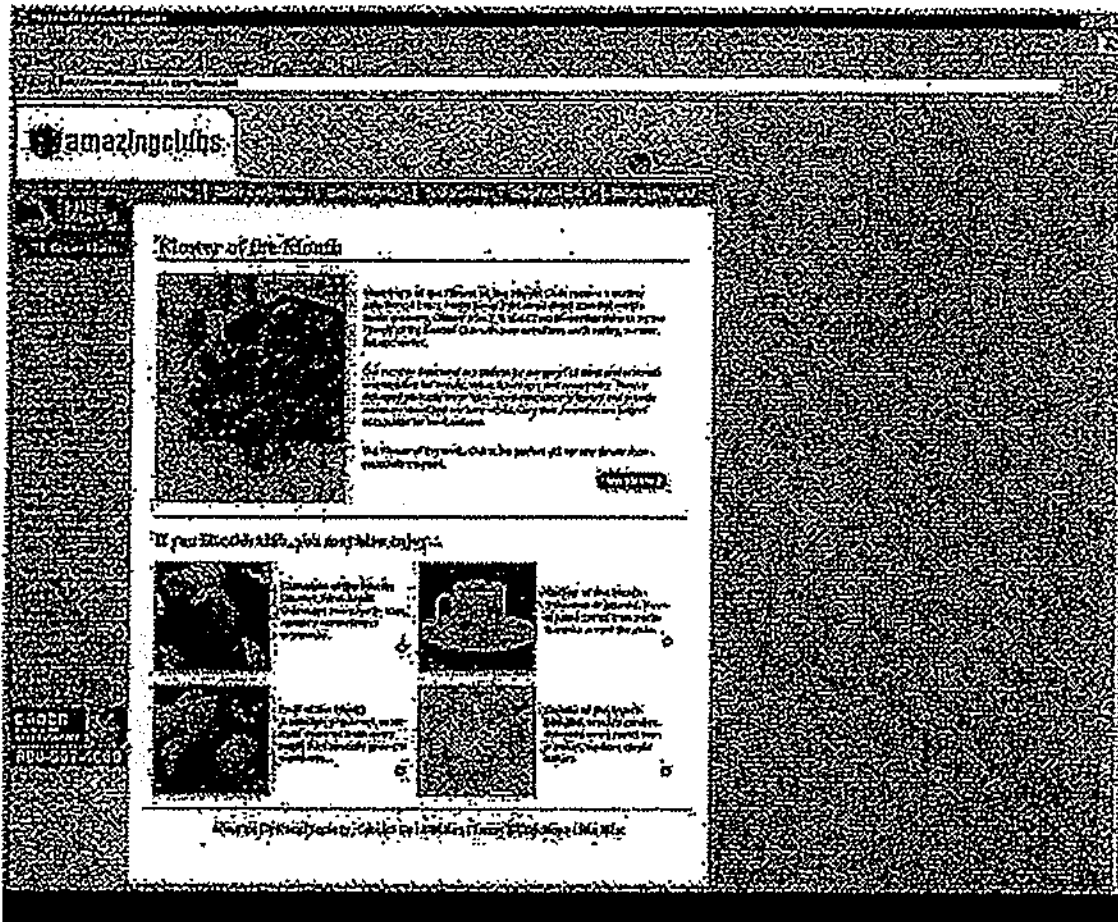
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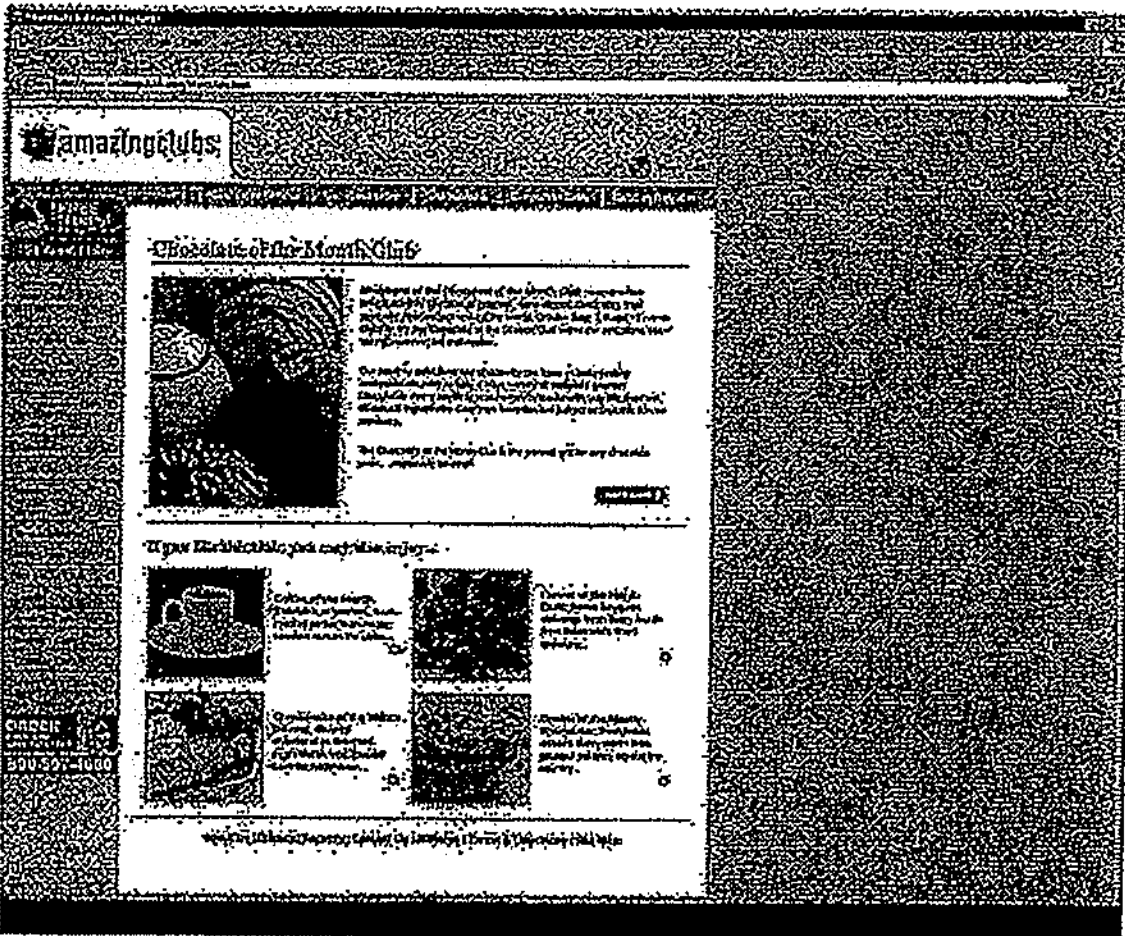


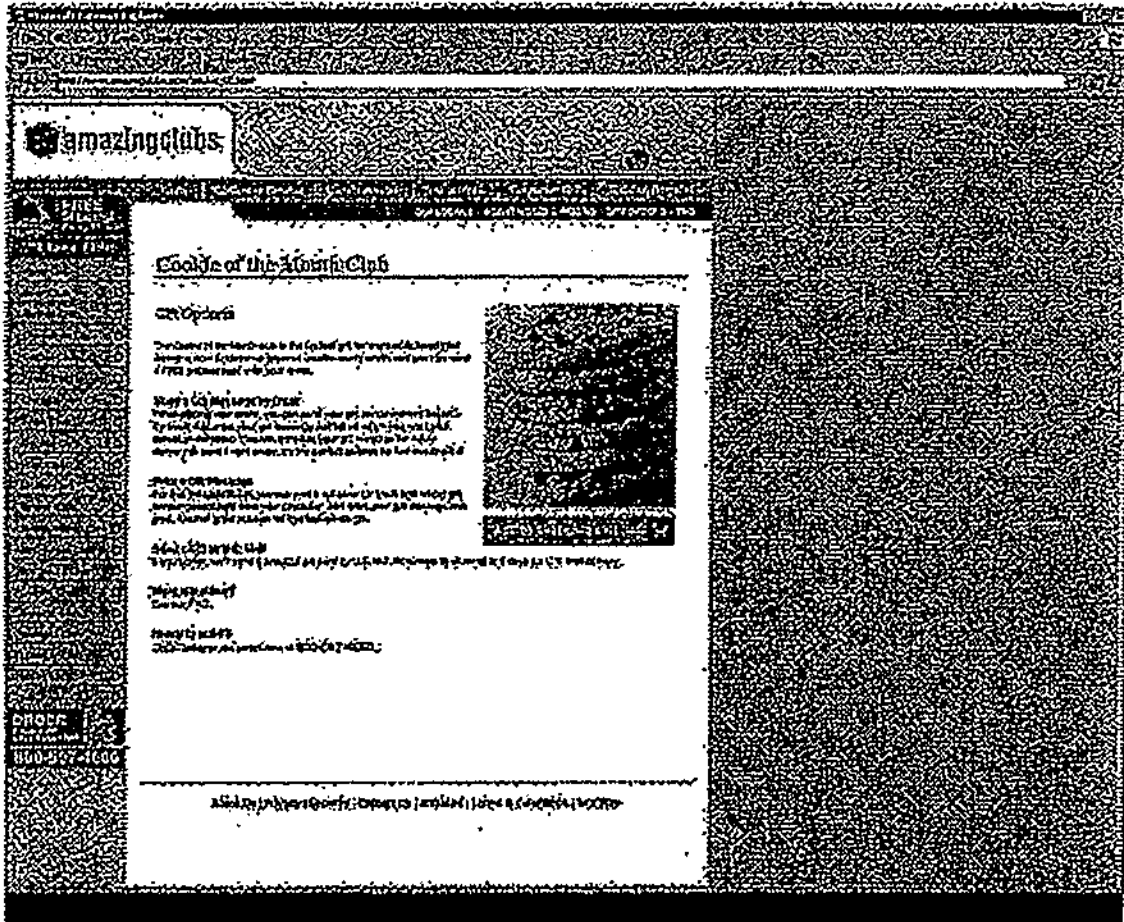
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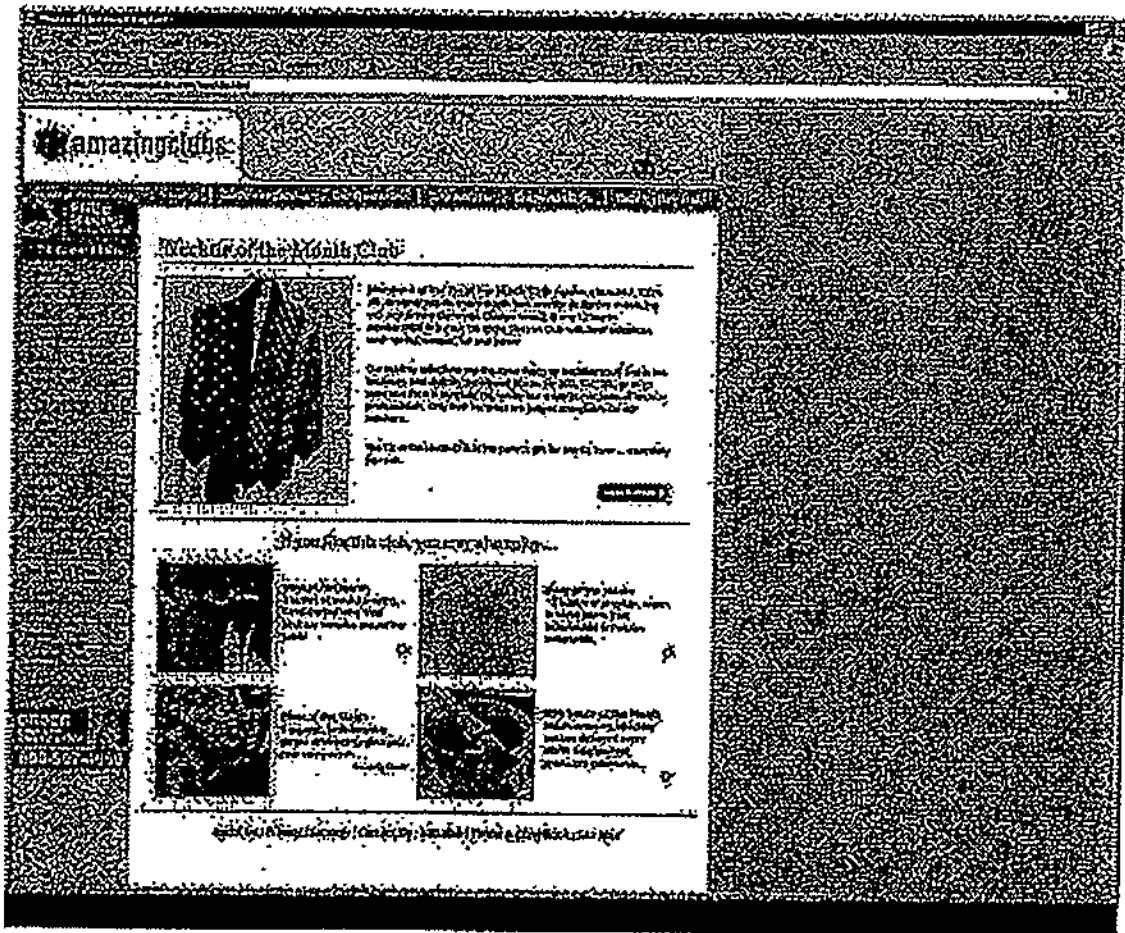
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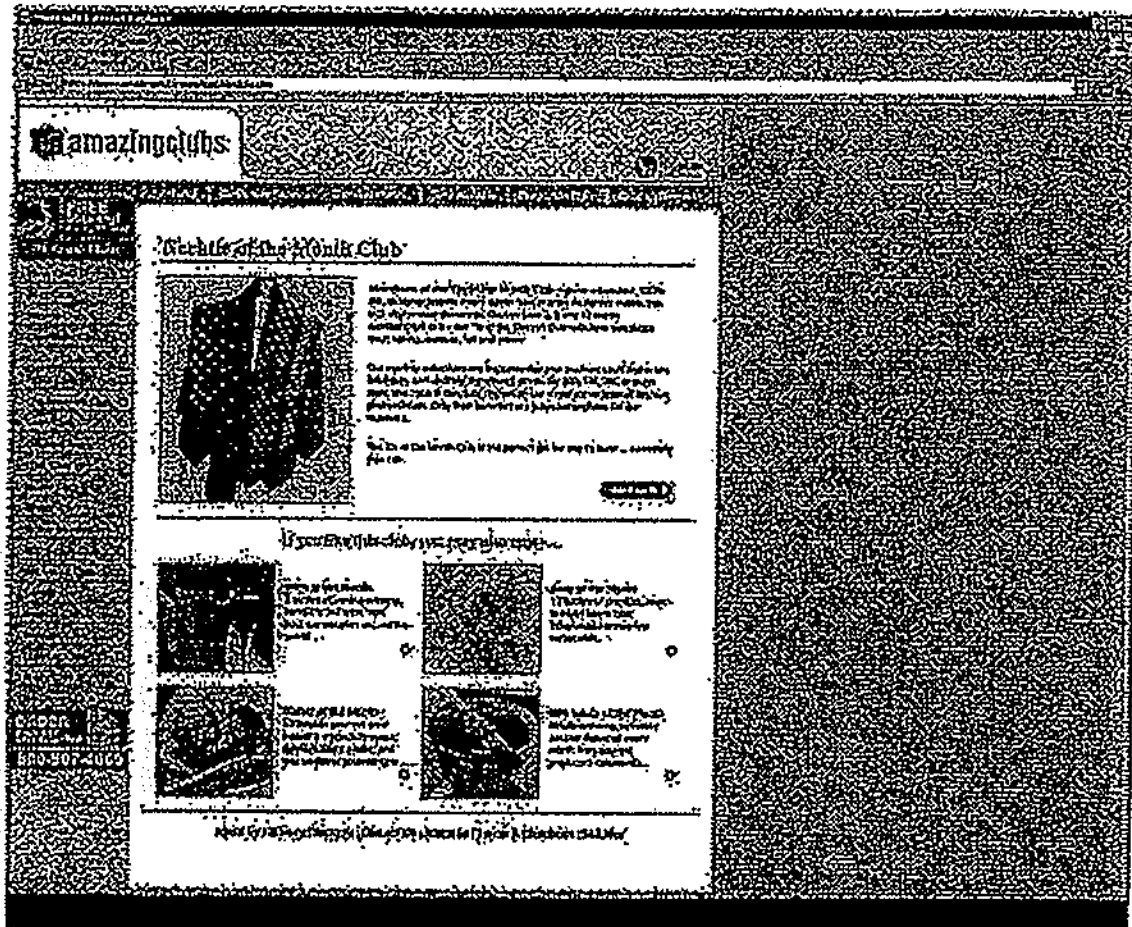


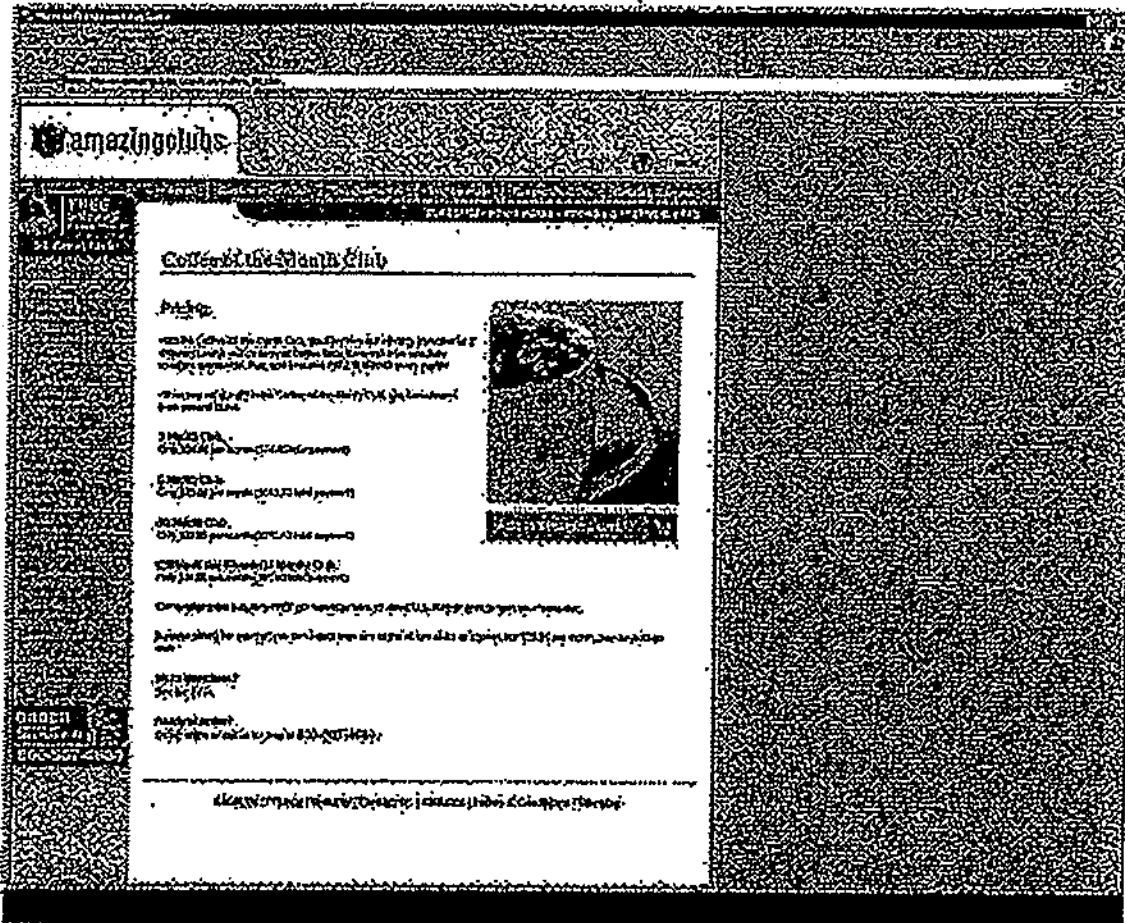


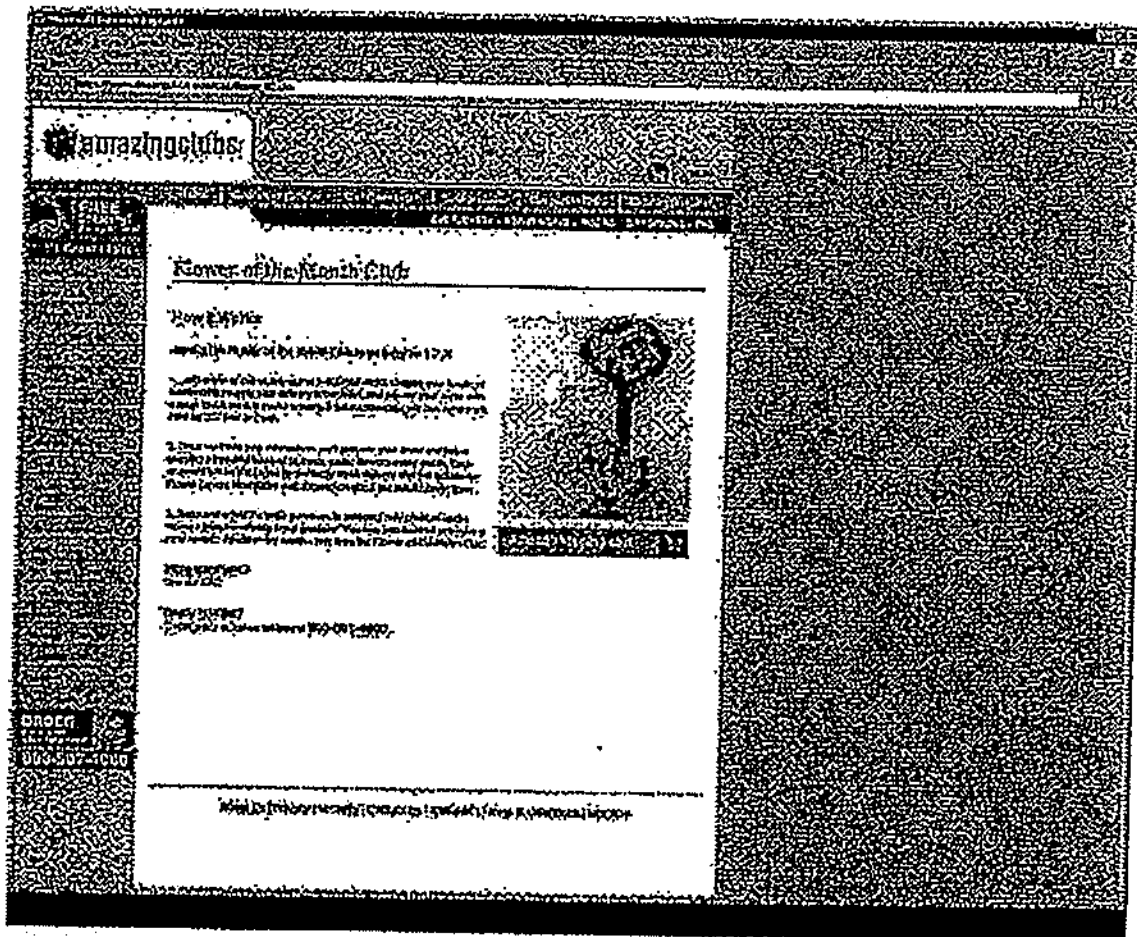


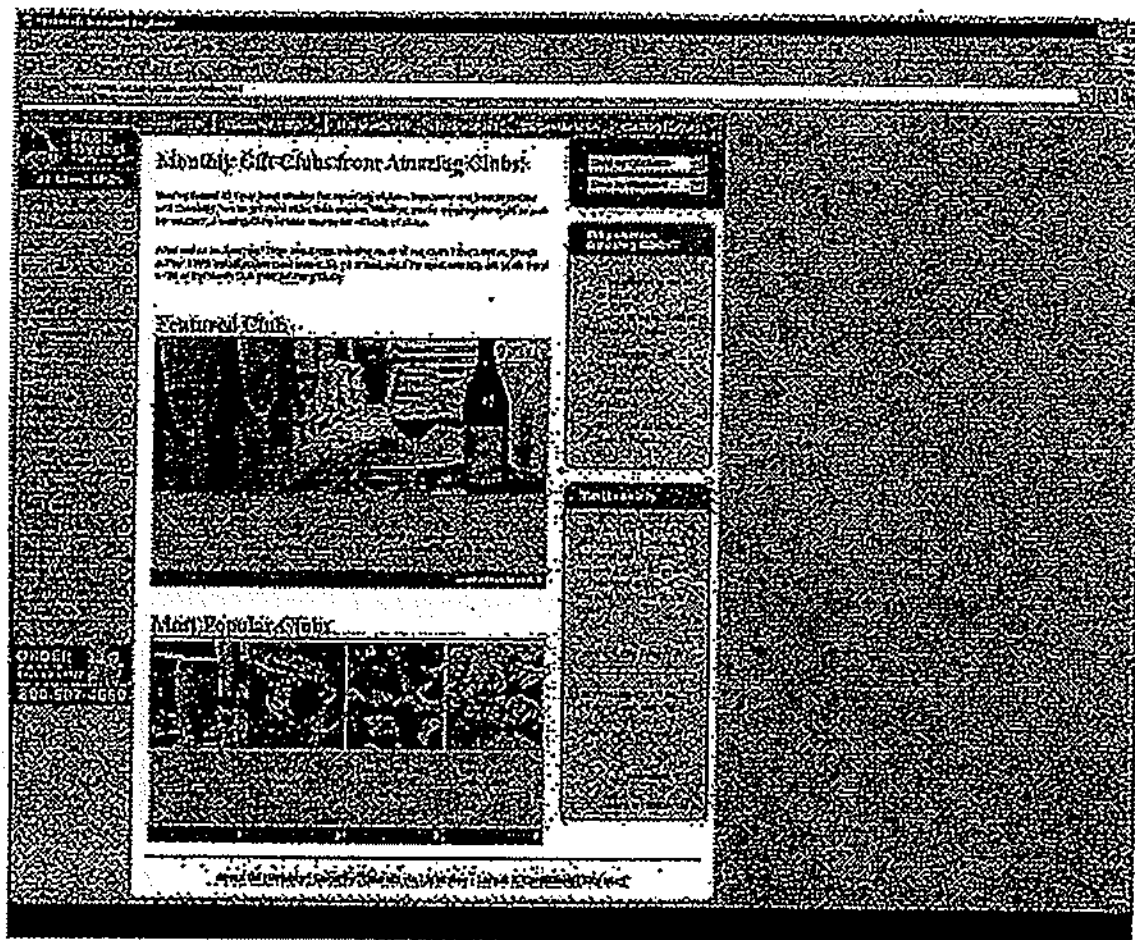


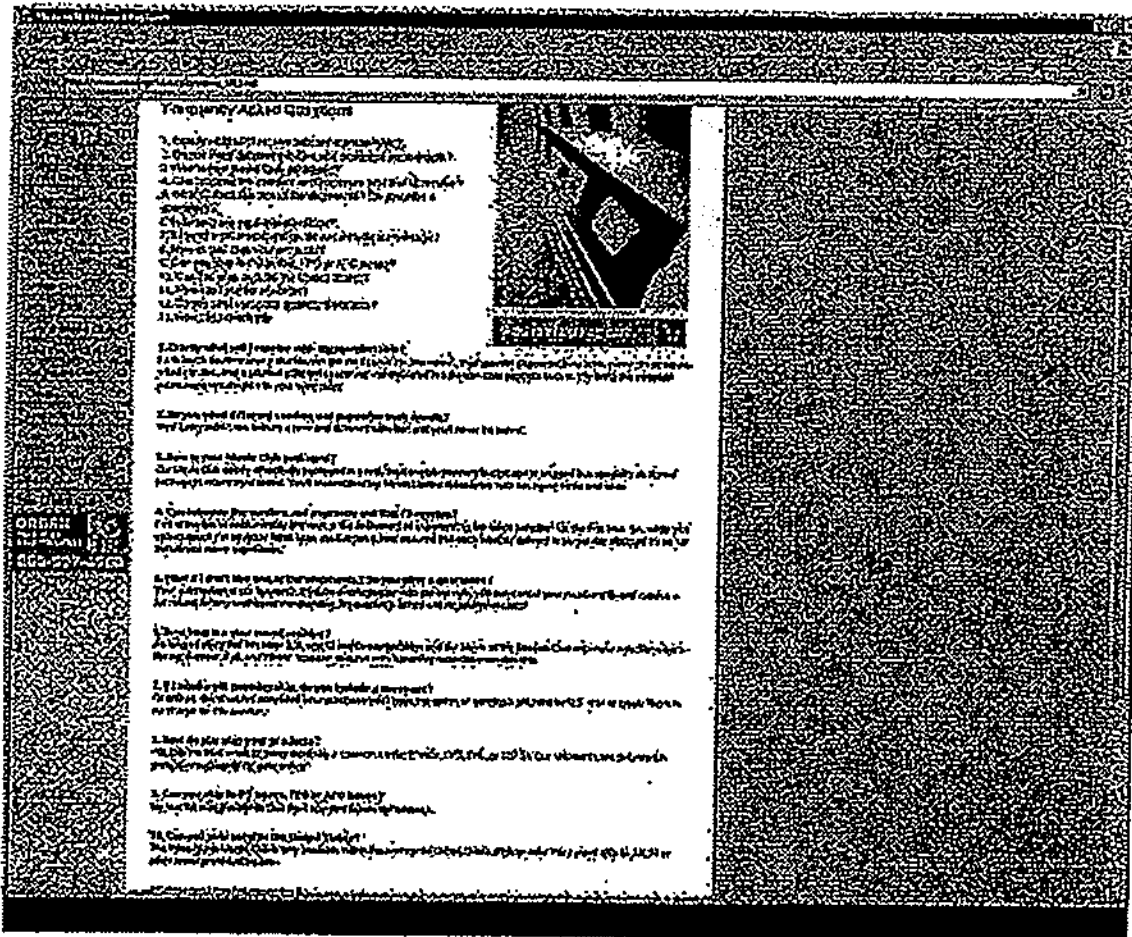


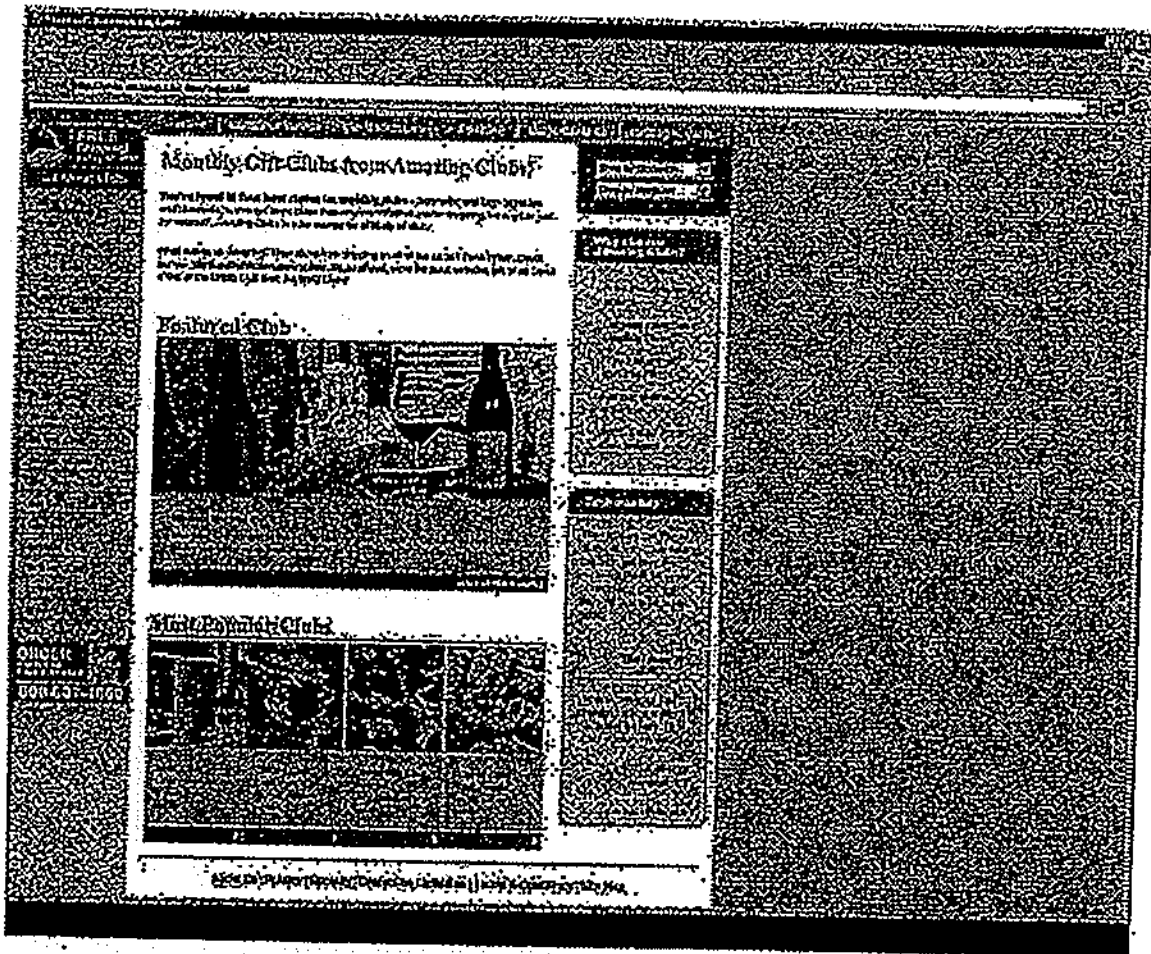


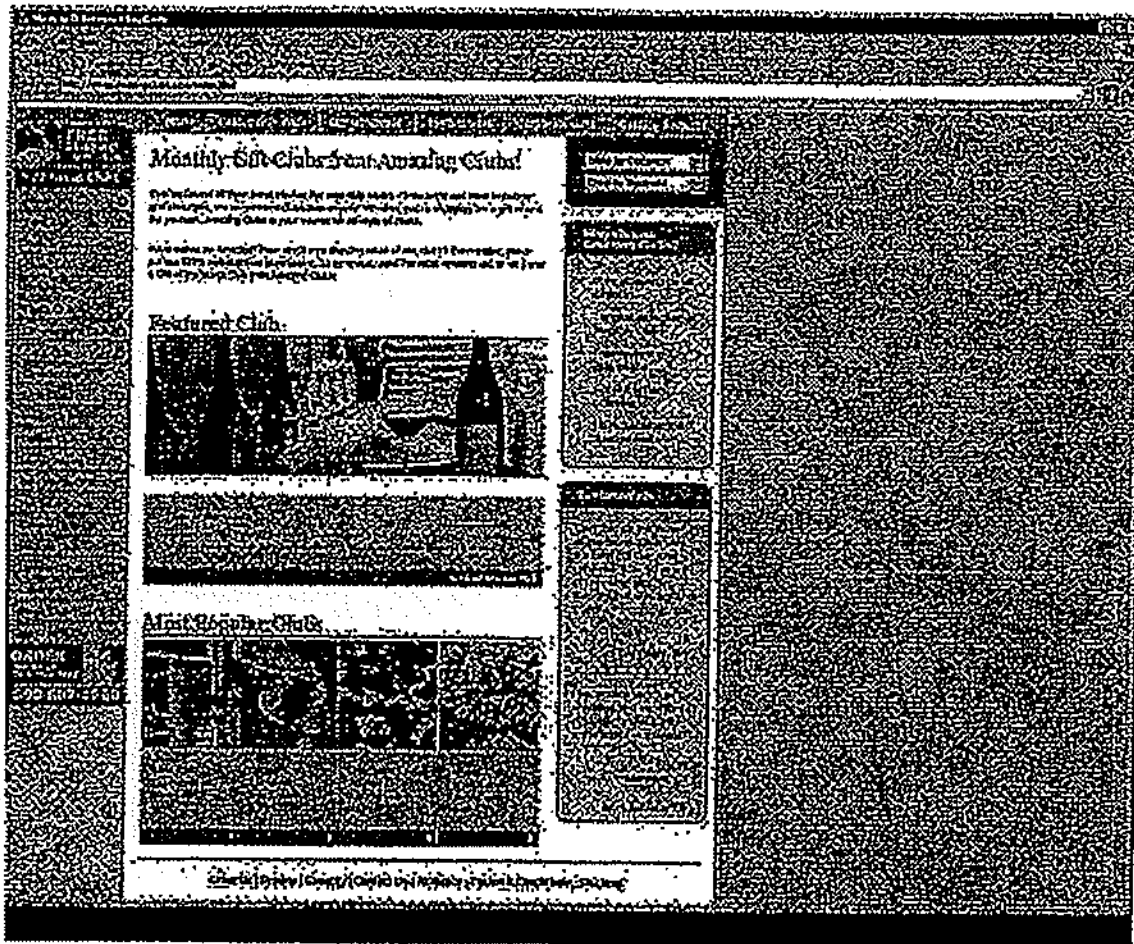












မင်းသိန်းစိုး

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

مجلس علماء دارالافتاء

1. The first part of the document is a list of names and addresses, which are the names of the members of the committee. The names are written in a cursive script, and the addresses are written in a more formal, printed script. The names are: "The Hon. J. B. McPherson, Chairman, U. S. House of Representatives, Washington, D. C." and "The Hon. J. B. McPherson, Chairman, U. S. House of Representatives, Washington, D. C." The addresses are: "The Hon. J. B. McPherson, Chairman, U. S. House of Representatives, Washington, D. C." and "The Hon. J. B. McPherson, Chairman, U. S. House of Representatives, Washington, D. C."

सिद्धिदायक मंत्रमाला

13. The following table shows the number of people who were employed in the manufacturing sector in the United Kingdom from 1970 to 1990. The number of people employed in the manufacturing sector is given in millions.

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Part of the Month Club

Members of the Part of the Month Club enjoy a special selection of the most popular and best-selling books in the country. Each month, we'll send you a new book, plus a special gift. Choose from 12 or 24 issues, plus a special gift. Plus, you'll receive a special gift with every book.

The monthly selection is chosen by the best-selling author of the month. Each month, we'll send you a new book, plus a special gift. Choose from 12 or 24 issues, plus a special gift. Plus, you'll receive a special gift with every book.

The Part of the Month Club is the perfect gift for any book lover. Choose from 12 or 24 issues, plus a special gift. Plus, you'll receive a special gift with every book.

If you like this club, you'll love us even more.

<p>Book cover 1 description</p>	<p>Book cover 2 description</p>
<p>Book cover 3 description</p>	<p>Book cover 4 description</p>

Amazinggraphics.com

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It's a little bit like you're saying...



1. The first step is to identify the problem.
 2. The second step is to define the problem.
 3. The third step is to analyze the problem.
 4. The fourth step is to develop a solution.
 5. The fifth step is to implement the solution.
 6. The sixth step is to evaluate the solution.
 7. The seventh step is to monitor the solution.
 8. The eighth step is to maintain the solution.
 9. The ninth step is to improve the solution.
 10. The tenth step is to document the solution.



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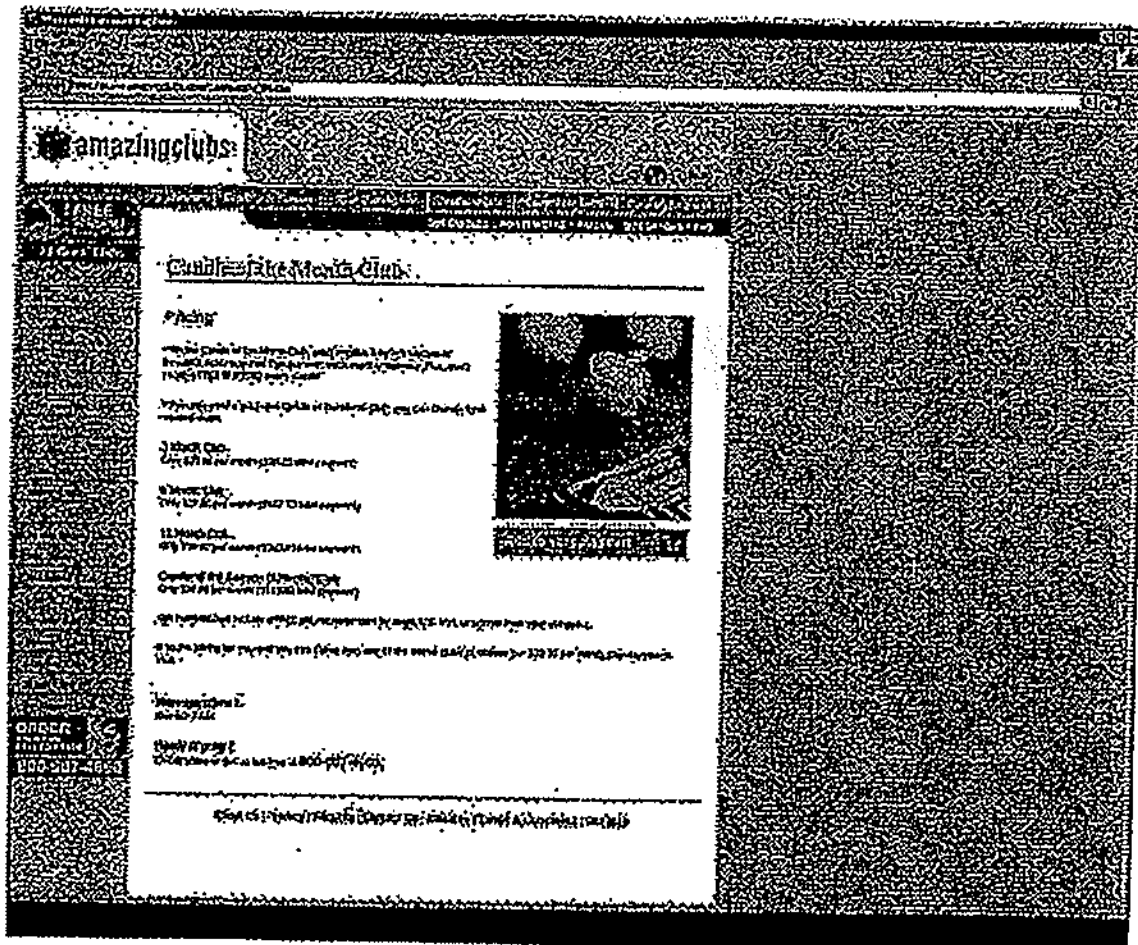


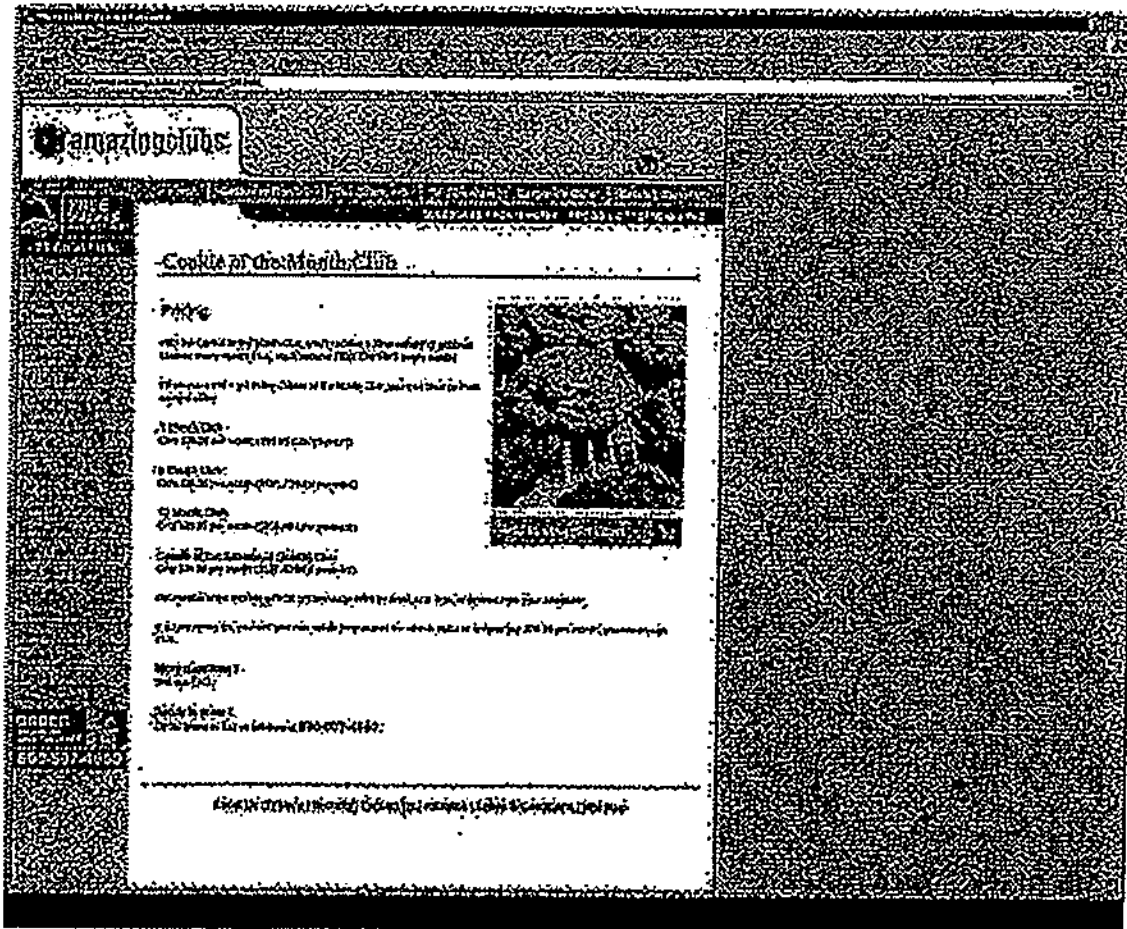
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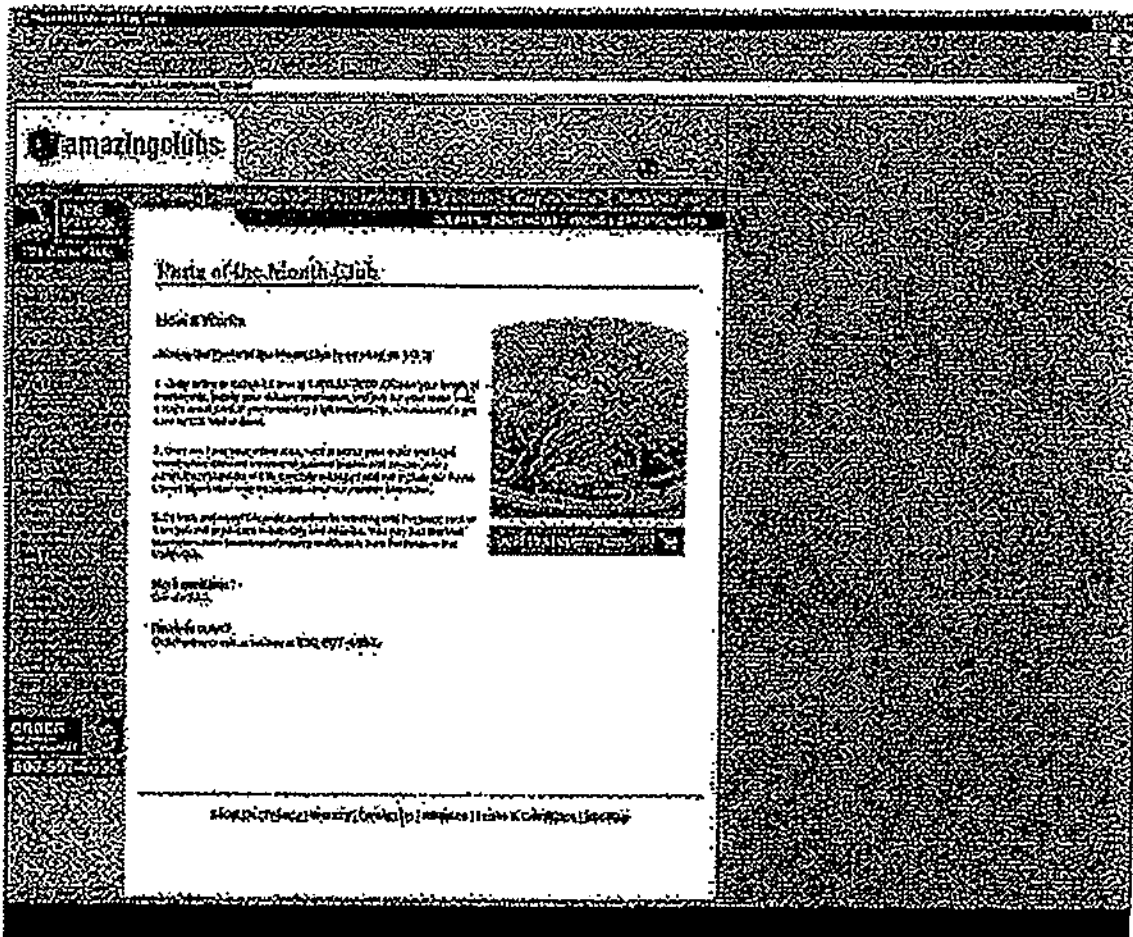


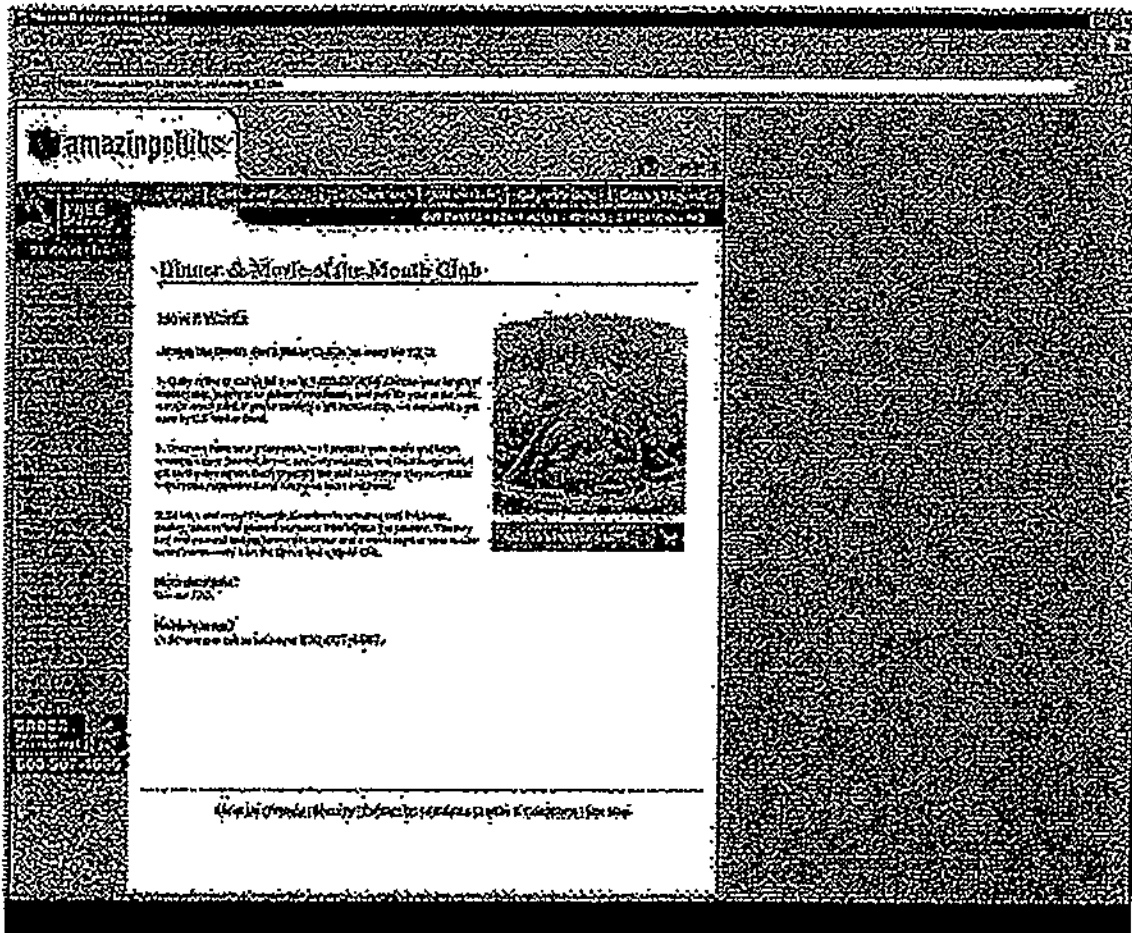
1. The first step is to identify the problem.
 2. The second step is to define the problem.
 3. The third step is to analyze the problem.
 4. The fourth step is to develop a solution.
 5. The fifth step is to implement the solution.
 6. The sixth step is to evaluate the solution.
 7. The seventh step is to monitor the solution.
 8. The eighth step is to maintain the solution.
 9. The ninth step is to improve the solution.
 10. The tenth step is to document the solution.

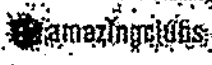
Final Report of the Commission on the Causes and Prevention of the
1994-1995 Season of Violence in the United States











Flower of the Month Club

Join the Flower of the Month Club and receive a beautiful bouquet of flowers every month. Choose from a variety of flower types and colors to suit your taste. The club is open to members of all ages and is a great way to bring a little bit of nature into your home.

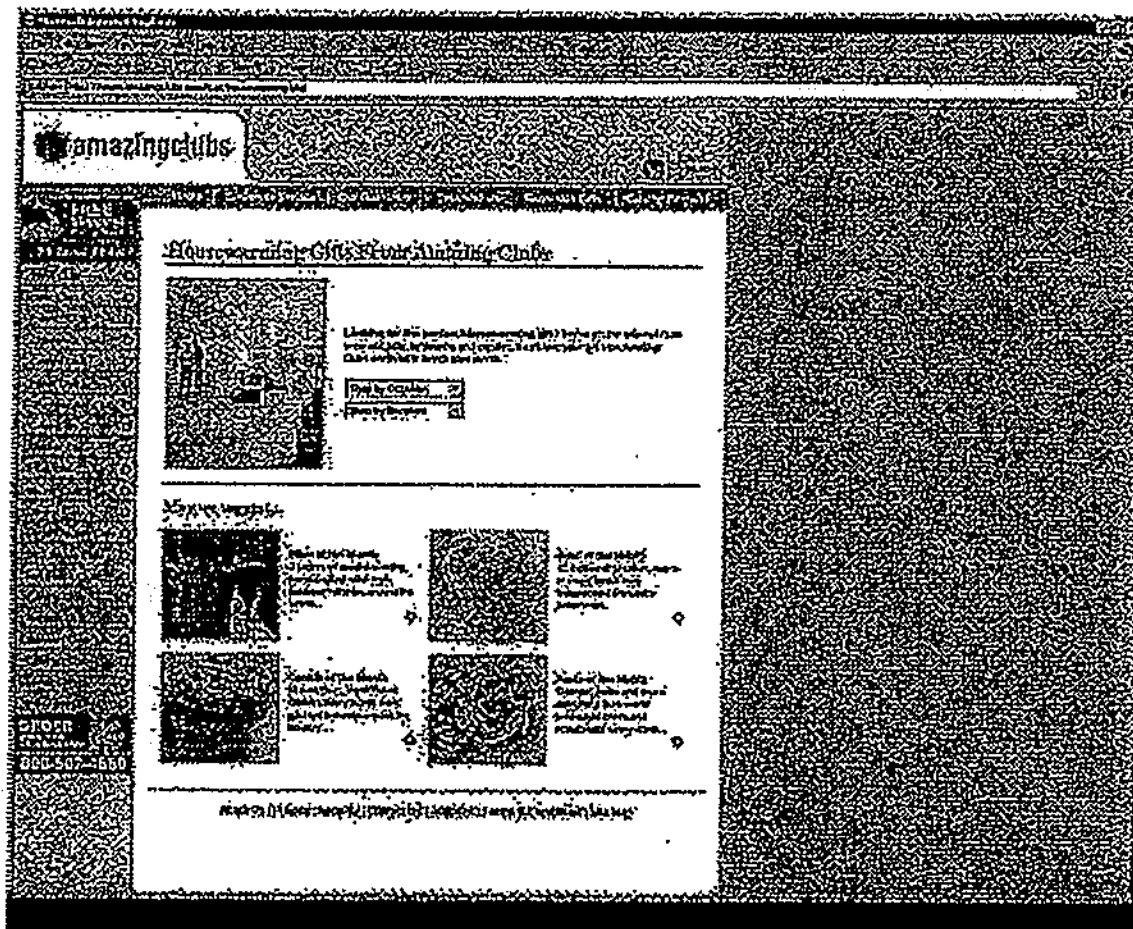
Choose from a variety of flower types and colors:

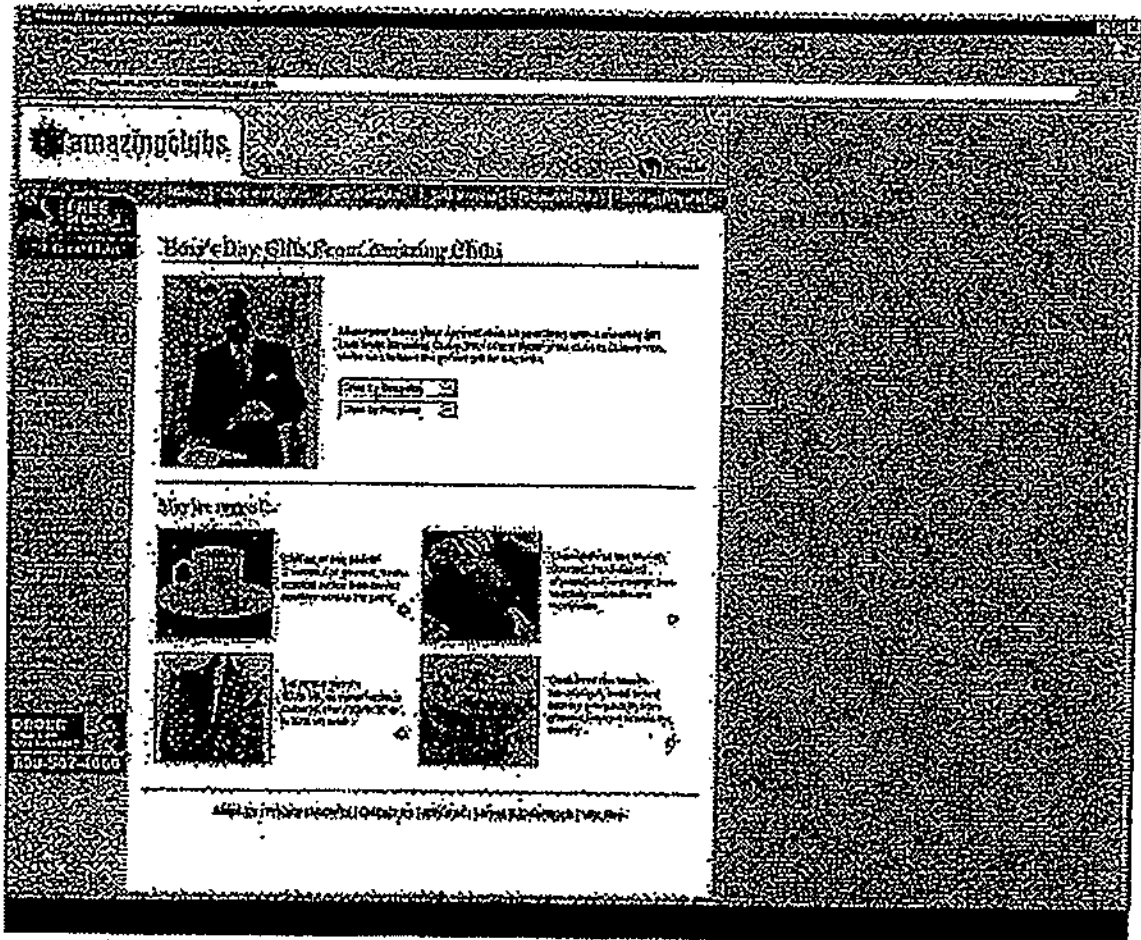
- Roses
- Tulips
- Daisies
- Lilies
- Carnations
- Hydrangeas
- Gerberas
- Peonies
- Ranunculus
- Anemones
- Pinks
- Gladioli
- Iris
- Delphinium
- Foxglove
- Poppy
- Marigold
- Zinnia
- Cosmos
- Aster
- Verbena
- Salvia
- Lavender
- Eucalyptus
- Baby's Breath
- Sweet Pea
- Sweet William
- Sweet Alyssum
- Sweet Woodruff
- Sweet Vervain
- Sweet Thyme
- Sweet Basil
- Sweet Marjoram
- Sweet Fennel
- Sweet Anise
- Sweet Dill
- Sweet Parsley
- Sweet Chervil
- Sweet Tarragon
- Sweet Fennel
- Sweet Anise
- Sweet Dill
- Sweet Parsley
- Sweet Chervil
- Sweet Tarragon

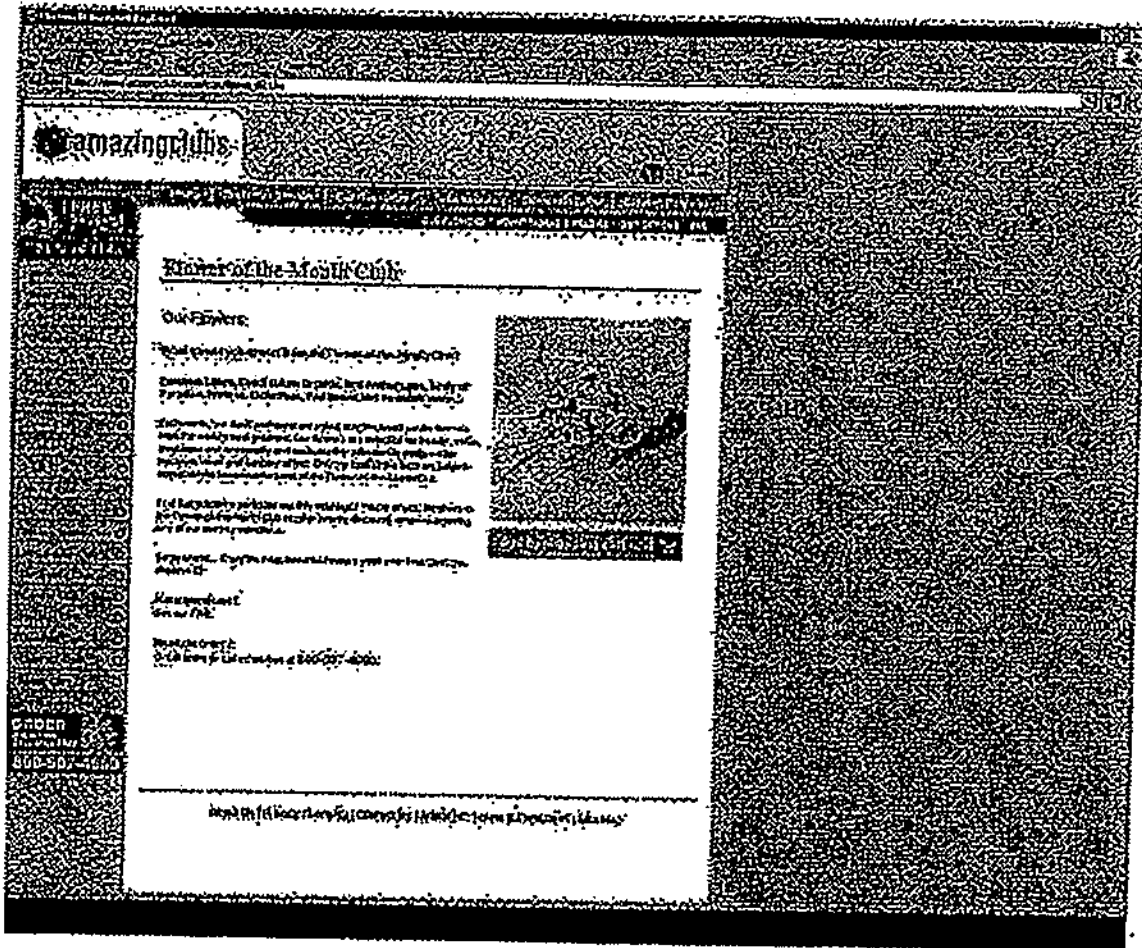
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Fruit of the Month Club

Our Fruit

Now you can get the best of a tropical island paradise with the Fruit of the Month Club.

Why? Because, you can.

At the Fruit of the Month Club, you can enjoy the delicious, juicy, and sweet taste of tropical fruit. We have a variety of fruit to choose from, including pineapple, mango, papaya, and more. Each month, we'll send you a box of our delicious fruit, so you can enjoy the taste of a tropical island paradise.

Why you will love it: The Fruit of the Month Club is the perfect way to enjoy the delicious, juicy, and sweet taste of tropical fruit. We have a variety of fruit to choose from, including pineapple, mango, papaya, and more. Each month, we'll send you a box of our delicious fruit, so you can enjoy the taste of a tropical island paradise.

So, if you're looking for a way to enjoy the delicious, juicy, and sweet taste of tropical fruit, the Fruit of the Month Club is the perfect way to do it. Join today, and you'll be able to enjoy the taste of a tropical island paradise.

Join today!

Ready to join?

Call 1-800-555-1234 or visit www.fruitclub.com

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